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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,248	03/30/2004	Plinio Pimentel	3408.2.8	4822
21552 7590 05/08/2009 AUSTIN RAPP & HARDMAN 170 South Main Street, Suite 735 SALT LAKE CITY, UT 84101				
EXAMINER				
OKEKE, EZUNNA				
ART UNIT		PAPER NUMBER		
2432				
MAIL DATE		DELIVERY MODE		
05/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,248

Applicant(s)

PIMENTEL, PLINIO

Examiner

IZUNNA OKEKE

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 9-16 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by McBrearty et al. (US-20020129152)

a. *Referring to claim 1, 13, 15 and 18:*

Regarding claim 1, McBrearty teaches in a computing device, a method for protecting sensitive files from unauthorized access, comprising:
detecting a connection of the computing device to an electronic device; accessing an authorized connection list (Para 21 teaches a connection a device to a web resource and accessing an authorized list to determine if the user or connection is authorized);
determining whether the connection is identified in the authorized connection list (Para 21 teaches comparing the connection to an authorized list to determine if it is an authorized connection); and
if the connection is not identified in the authorized connection list; accessing sensitive file information which identifies at least one sensitive file stored on the computing device (Para 21-

22 teaches if the user is not authorized to access a sensitive file stored on the server); and preventing access to the at least one sensitive file identified by the sensitive file information by performing an access prevention task after the connection is not identified in the authorized connection list (Para 21-22 teaches a protection process of preventing access to the sensitive file by performing an access protection task such as deleting the file or making it inaccessible).

a. Referring to claim 2, 16 and 19:

Regarding claim 2, McBrearty teaches the method of claim 1, wherein if the connection is not identified in the authorized connection list the method further comprises: detecting termination of the connection; and if the computing device does not have any other unauthorized connections, restoring access to the at least one sensitive file identified by the sensitive file information (Para 25 teaches restoring the file after the protection process).

a. Referring to claim 3:

Regarding claim 3, McBrearty teaches the method of claim 1, wherein the connection occurs via a computer network (Para 16-18 teaches a computer network connection).

a. Referring to claim 5:

Regarding claim 5, McBrearty teaches the method of claim 1, wherein the connection is a direct connection (Para 16 and 18 teaches a direct a connection of a host to a server).

a. Referring to claim 10:

Regarding claim 10, McBrearty teaches the method of claim 1, wherein the sensitive file information is a list of the at least one sensitive file (Para 21 teaches parameters relating to the protected file).

a. Referring to claim 11:

Regarding claim 11, McBrearty teaches the method of claim 1, wherein the authorized connection list comprises a list of at least one authorized network (Para 21 teaches a list of authorized users on a network).

a. Referring to claim 12:

Regarding claim 12, McBrearty teaches the method of claim 1, wherein the authorized connection list comprises a list of at least one authorized connection type (Para 21 teaches a list of authorized connections).

a. Referring to claim 14:

Regarding claim 14, McBrearty teaches the method of claim 13, further comprising: providing the authorized connection list; providing the sensitive file information; and transmitting the authorized connection list and the sensitive file information to the plurality of computing devices via the enterprise network (Para 21-23 teaches providing the authorized connection list and parameters relating to protected files to the server computers storing the sensitive files).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-8, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McBrearty et al. (US-20020129152), and further in view of Vainstein (US-6889210).

a. Referring to claims 6, 7, 8, 17 and 20:

Regarding claim 7 and similar claims 7, 8, 17 and 20, McBrearty teaches the method of claim 1, wherein the system executes an access prevention task of deleting or disabling the file when the connection is unauthorized.

McBrearty does not teach the access prevention task of encrypting the file or locking the file or moving the file to a protected storage when the connection is unauthorized.

However, Vainstein teaches a method of encrypting a sensitive file or locking the file or moving the file to a protected storage to prevent access to the file when an unauthorized user seeks access to the file (See Vainstein, Col 5, Line 63-67 teaches protecting a sensitive file by encryption or locking the file with a file key or writing it into a protected storage).

Therefore, it would have been obvious to modify McBrearty's access prevention task to also include an option of encrypting the file or locking the file or moving the file to a protected storage to protect and prevent access to the file when the file may not be deleted as a result of not having a backup copy of the file.

a. Referring to claim 9:

Regarding claim 9, the combination of McBrearty and Vainstein teaches the method of claim 1, wherein the sensitive file information is a reference to a directory in which the at least one sensitive file is stored (See Vainstein, Col 7, Line 17-31 teaches a header file structure linked to the protective file which references or points to the location of the protected file).

6. Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over McBrearty et al. (US-20020129152), and further in view of Elliott et al. (US-20030056095).

a. Referring to claim 4:

Regarding claim 4, McBrearty teaches the method of claim 3.

McBrearty does not teach the connection network as a wireless network and the device as a mobile device.

However, Elliott teaches a method of securing encrypted files from unauthorized access where the connection is made through a wireless network and by a mobile device (See Elliott, Para 22)

Therefore, it would have been obvious to modify McBrearty's method and invention to include support for a wireless network and a mobile device as the client as taught by Elliott for the purpose of improving the system by incorporating wireless devices as client device making request for access to files on the sever.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IZUNNA OKEKE whose telephone number is (571)270-3854. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/I. O./
Examiner, Art Unit 2432

/Benjamin E Lanier/
Primary Examiner, Art Unit 2432